

Notice of Allowability

Application No.

10/824,824

Examiner

Brad Y. Chin

Applicant(s)

SMITH ET AL.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/14/2005.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Applicant's claims 1-15, describing an oil burning lamp including the limitations for a burner tube movably mounted to a reservoir between a retracted position and an extended position, where the burner has a first end, an opposing second end, and at least one opening formed between the first and second end; in the retracted position the first end and the second end being located within the reservoir; in the extended position the first end being located within the reservoir, while the second end being located outside the reservoir; the at least one opening being located such that fragranced components of oil stored in the reservoir can be entrained by air and emanated from the base of the oil burning lamp; and for further including a wick mounted to the burner tube, where the wick has a first end and a second end, the first end of the wick extending into the reservoir and the second end of the wick extending outwardly from the second end of the burner tube.

Hammons et. al. [U.S. Patent No. 5,840,246], Frangos [U.S. Patent No. 3,355,913], Ruetz [U.S. Patent No. 2,774,235], Berenger [U.S. Patent No. 1,067,965], and Kitamura [JP 58158427] teach aspects of oil or gas burning lamps or lighters with various forms of fragrance or perfume emanators, but fail to teach the limitations for the burner tube in combination with the wick as described in Applicant's claimed invention. Hammons et. al. teach an oil burning lamp with a fragrance emanator, but fails to teach the retractable burner tube and base defining an interior opening for holding a reservoir configured for storing a supply of oil. Frangos teaches a perfume candle with a burner tube with a first end and a second end with an opening disposed between the ends, but uses gas as a means for producing the candle light for emanating the perfume from the candle and fails to teach a retractable burner tube allowing for the concealment of the burner tube in the reservoir in the retracted position. Ruetz teaches a burner for a cigarette lighter, comprising a spring, allowing the burner tube to be retracted within

Art Unit: 1744

the housing of the lighter, but fails to teach the other claimed structural limitations of Applicant's claimed invention. Berenger teaches an oil-burning lamp with a base and a reservoir for storing a supply of oil, but fails to teach a retractable burner tube with a wick disposed within the burner tube. Kitamura teaches an automatic fire extinguishing mechanism with a base and a reservoir for storing a supply of oil with a retractable burner tube, but fails to teach the burner tube where in the retracted position the first end and the second end are located within the reservoir and where the burner tube has at least one opening located such that fragranced components of oil stored in the reservoir can be entrained by air and emanated from the base.

None of the references teach the claimed limitations nor would it have been obvious to combine the references to achieve the claimed inventive subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brad Y. Chin whose telephone number is 571-272-2071. The examiner can normally be reached on Monday – Friday, 8:00 A.M. – 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sun (John) Kim, can be reached at 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 1744

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

byc

April 27, 2005


JOHN KIM
SUPERVISORY PATENT EXAMINER